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UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
-----X
Public Hearing in the Matter of:
HUDSON RIVER PCBs SITE, NEW YORK
-----X
DATED: February 20, 2002
Poughkeepsie, New York

TIME: 7:15 p.m. - 8:30 p.m.

Michael P. McAliney, Reporter

MINUTES OF PUBLIC HEARING

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SPEAKERS:

Jane Kenny,
Regional Administrator Region 2

Bonnie Bellow,
Communications Director

William McCabe,
Deputy Director of Superfund Division

* * * *

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2 BY MS. KENNY:

3 Good evening. Can you hear me? Well,
4 thank you for coming tonight. My name is Jane
5 Kenny. I'm the Regional Administrator for the
6 United States Environmental Protection Agency
7 Region Two. And, as you know, on February 1st
8 Administrator Whitman and I signed the Record
9 of Decision finalizing our plan to remove PCBs
10 contaminated sediment from the Hudson River.

11 This is the second public meeting that
12 we've held to explain the Record of Decision.
13 The first one took place last week in Saratoga
14 Springs.

15 As Regional Administrator I'll have chief
16 responsibility for the Hudson River cleanup.
17 It's a huge task, it's probably the most
18 important single aspect of my work over the
19 next several years. I take this responsibility
20 very seriously and that's why I'm turning to
21 you.

22 At the Saratoga Springs meeting last week
23 a few people expressed concern that EPA may
24 only pay attention to the up-river communities
25 that will be most directly effected by

1
2 dredging. I want to assure you that the
3 river's health affects everyone, I understand
4 that, including down-river communities. I'm
5 absolutely committed to an all inclusive
6 public participation.

7 I know that long before I came to EPA the
8 agency was working to involve the community in
9 our ten-year reassessment of river conditions.
10 The fact that seventy thousand people
11 throughout the region sent written comments
12 last year in response to our proposed cleanup
13 is remarkable. And now we need to do even
14 more. Governor Whitman and I are committed to
15 involving the public and I believe there is
16 unfortunately still a residue of distrust
17 about this process and we are going to make
18 every effort to overcome it.

19 Tonight's meeting is an opportunity for
20 EPA to explain this decision and for you to
21 ask questions about the plan. With me are
22 Bill McCabe, the Deputy Director of our
23 Superfund Division, and Bonny Bellow, our
24 Communications Director who will talk in more
25 detail about our plan.

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But let me start with some of the basics.

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EPA has been studying the problem of PCB

4

contamination in the Hudson for over a decade

5

after first declaring the Hudson Superfund

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site in 1984. During all this time the New

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York State Department of Health has posted

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fish advisories warning people to severely

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limit the amount of fish they eat that come

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from the river.

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During all this time commercial fishing in

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the Hudson has been outlawed. And during all

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this time concerned citizens with many

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different points of view have made their

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voices heard. Citizens like you have come to

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town meetings and public hearings, more than

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seventy-five altogether. Citizens wrote

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letters, signed petitions and sent e-mail by

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the tens of thousands.

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To verify the work of EPA's own scientists

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we brought in experts. During the ten-year

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reassessment EPA arranged for five different

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independent peer reviews of our findings. The

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agency wanted to get this right and with

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careful study and public input we did.

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I want to reiterate just why we're undertaking this cleanup. PCBs, plain and simple are toxic. They enter the food chain through tiny organisms that fish eat and they can find their way into people who eat those fish.

PCBs cause cancer in laboratory animals and they are considered a probable cause of cancer in humans. PCBs can also trigger other serious health effects. And as is so often the case with environmental hazards, the most vulnerable, the people who are the most vulnerable to this are children and pregnant women.

These are serious life altering and potentially life threatening problems. And while the level of PCBs in fish is lower than it was twenty-five years ago, it's still dangerously high. Nature alone can't take care of the problem. This is not something we should leave for our children to deal with. That's why we've made the decision to target areas of the river for dredging.

As I announced last week, EPA will be

1
2 setting up a field office near the upper
3 Hudson area where dredging will take place.
4 That field office will be staffed by N.G.
5 Kaul, who was the Director of the New York
6 State Department of Environmental
7 Conservation's Water Program. With his help,
8 EPA will work closely with all the communities
9 that are effected by this cleanup, including
10 communities along the lower Hudson.

11 I'm new to this job and I know you have
12 all lived with this issue for a long time. I
13 want to help start a new chapter, one in which
14 we find ways to work together. And I look
15 forward to working with you, the people who
16 live here and who love the Hudson River.

17 This hasn't been an easy process and there
18 are a lot of hard decisions ahead of us. But
19 I think it can be a productive dialogue and
20 successful project that will be a proud legacy
21 for our children, grandchildren and
22 generations to come.

23 Before I turn things over to Bill McCabe
24 and Bonny Bellow, I want to introduce the EPA
25 staff who are with me tonight. There is a

1
2 tremendous commitment on our part, including
3 this presence of our staff. From our
4 Superfund Program, Mel Hauptman, I want you to
5 stand, Doug Tomchuk, Alison Hess and Marian
6 Olsen. From the Office of Regional Counsel,
7 Paul Simon and Doug Fischer. From our
8 communications office, Mary Mears and Dave
9 Kluesner. We also have representatives from
10 contractors, including E&E, our primary design
11 contractor, as well as TAMS, Malcolm Pirnie
12 and Morasco Newton. Please stand now.

13 Now, I'm going to ask Bill to briefly
14 describe the Record of Decision and Bonny
15 Bellow will then outline the process we
16 envision for developing a new community
17 involvement program. And then we'll be happy
18 to take your questions when the presentations
19 are done. Thank you.

20 BY MR. McCABE:

21 Thanks, Jane. What I would like to do is
22 discuss with you the selected remedy and also
23 how we responded to all the comments that
24 we've received over the years.

25 The selected remedy calls for targeted

1
2 dredging of over two-point-six-five million
3 cubic yards of PCB contaminated sediments.
4 And on the next slide you will be able see, on
5 the next few slides actually, those areas in
6 red, I don't know if you can see it back
7 there, they're entitled remediation areas.
8 Those are the areas that we're talking about
9 remediating.

10 And as you can also see from this in the
11 top eleven miles we're talking about the upper
12 Hudson as being forty miles, in the upper
13 eleven miles of that we're talking about over
14 eighty percent of the dredging. So, that's
15 why we're talking about this as being a
16 targeted dredging project.

17 We'll also be backfilling that with about
18 one foot of clean backfill. That will be both
19 for the purpose of habitat restoration and
20 also to isolate any residual PCBs. The goal
21 for the cleanup is one part per million.

22 The area that we're talking about here
23 again with respect to the targeted dredging is
24 about five hundred out of thirteen hundred --
25 out of thirty-nine hundred acres, I'm sorry.

1
2 So, you're talking about less than thirteen
3 percent of the area. So, again, that's where
4 we're coming up with the target dredging,
5 basically a hot spot type of dredging.

6 Historically, we've all heard about the
7 forty hot spots that were in the upper Hudson
8 River, twenty of those were in River Section
9 One, which was the first six miles down to the
10 Thompson Island Dam. Fifteen of those hot
11 spots were in the next five miles down to the
12 Northumberland Dam. And, again, that's where
13 I said we're doing over eighty percent of the
14 dredging. And then the last five hot spots
15 were in the remaining twenty-nine miles.

16 The dredging will remove about one hundred
17 fifty thousand pounds of PCBs. That's about
18 sixty-five percent of what remains in the
19 upper Hudson River. The dredging will be done
20 in two phases, and we will be developing
21 performance standards for the dredging
22 project.

23 These performance standards included in
24 the ROD, right now we have air quality and
25 noise performance standards. And there will

1
2 be performance standards for other things
3 that we'll develop in the design, such as,
4 dredging production rates, the resuspension of
5 PCB residuals. And the purpose of the two
6 phase dredging is that in phase one, as we
7 come up with these performance standards, we
8 will be testing our dredging job versus how we
9 accomplish those performance standards.
10 That's in the first year.

11 Phase two is the remaining five years of
12 dredging. So, after we do phase one we'll
13 test it against those performance criteria.
14 We'll also have the performance criteria peer
15 reviewed. We'll also peer review the results
16 of the first phase of dredging versus those
17 performance criteria, and only then will we
18 move on to phase two the following year.

19 The ROD also includes the siting of
20 sediment processing and transfer facilities.
21 We expect that there will be a good deal of
22 public controversy over these facilities and
23 we will be working with the public on the
24 siting of the facilities. We'll also include
25 a public comment period on those facilities.

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We have also stated in the ROD that we'll be using rail or barges for transportation of both the backfill material and the processed sediment. And, of course, we're going to be doing extensive monitoring during this entire operation, both during the design and during the construction. That will be in order to deal with or address the performance criteria and also to protect water supplies. And, finally, we will be doing a, developing a new community involvement plan.

The ROD also recognizes the need for source control. What you see here is the GE Hudson Falls facility. New York State is handling this with under an enforcement order with GE and we expect that this remediation will be completed prior to our initiating our dredging. Incidentally, the State is also working with GE at the Fort Edward facility.

Now, how do we address community concerns or how did we address community concerns. We did it in two ways. One way was in the proposed plan of December of 2000 and the second way was in the ROD itself after we

1
2 received all the public comments and developed
3 a responsive summary.

4 In the proposed plan we included items
5 such as there will be no local landfilling.
6 For a good part of the project, particularly
7 the end part of the project, this was the
8 major concern of the community, that there
9 will be no local landfill. Well, we included
10 that in the proposed plan.

11 We said we would use rail or barge for the
12 processed dredged sediments. This was to
13 avoid truck traffic. People, rightly so,
14 believe that the trucks would be a disruption
15 to the community, at least that kind of volume
16 of trucks would be a disruption. So, we said
17 we would use rail or barge.

18 We've also stated that navigational
19 dredging will occur such that we won't impede
20 navigation in the river. People said that the
21 dredging equipment is going to tie up the
22 river, we said we'll make sure it doesn't.
23 We'll do any navigation dredging that's
24 necessary to accomplish that.

25 And of course we said the public

1
2 involvement program will continue through
3 design and construction, and of course we can
4 even change the program and Bonny is going to
5 get into that.

6 After the proposed plan we opened up the
7 public comment period. I think it was pretty
8 successful, obviously we had some ninety
9 thousand individuals in the form of over
10 seventy-three thousand comments submitted to
11 the agency. That resulted in a three volume
12 responsiveness summary in the neighborhood of
13 a thousand pages. For those of you who aren't
14 interested in a thousand pages, we also have a
15 slightly abridged version and executive
16 summary, that's about thirteen pages, has all
17 the results, all the answers.

18 And all this is available as you can see
19 on the web site here, EPA.GOV/HUDSON. All of
20 our information, the ROD responsive summary,
21 executive summary, everything. The other
22 changes were made in the ROD itself. As I
23 mentioned before we've come up with this
24 phasing approach. People ask this, well, what
25 do you base your decision on, how do you know

2 that this is going to work, what other success
3 have you had that you can prove to us that you
4 can do this job, that you can get these
5 dredging production rates, that you can
6 minimize the resuspension and a whole variety
7 of other concerns.

8 So, we said, well, the only way we can
9 think of doing that is doing it in a phased
10 approach where we develop all those criteria
11 in the public forum, we have them peer
12 reviewed, and then we conduct the first phase
13 of dredging and see how it works. We, of
14 course, are confident that it will work and
15 that's why we proposed it, and only then will
16 we go on to phase two.

17 In the ROD we've added the railing, the
18 rail or barging of the backfill material. As
19 I mentioned in the proposed plan we already
20 said that we've used that for the process
21 sediment, now we're adding it for the backfill
22 material.

23 We said we would develop performance
24 standards. Again, I mentioned those, the
25 resuspension, the production rates and

1
2 residuals. Already in the ROD we have the air
3 quality and noise standards and other quality
4 of life factors may be developed such as odor,
5 lights, et cetera.

6 Similar to what we did during the
7 reassessment we're going to do a peer review,
8 as I mentioned already. I assume that that
9 will be a very similar process to the one
10 we've already conducted and was quite
11 successful.

12 As Jane has mentioned, we'll be opening up
13 a field office, we're hoping to have that
14 opened in March some time. And we've already
15 got it staffed by a senior person, as Jane has
16 also mentioned. And we'll also be analyzing
17 water-based processing and transfer
18 facilities.

19 People said, well, it's going to be
20 difficult to get one on the land, so why don't
21 we look at other options. Of course, another
22 option is in the water. Of course, once you
23 have it in the water it still has to get to
24 the land. We have to go from there, so that
25 wouldn't end it, the need for any land

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2 transfer facility.

3

4 Once we've dealt with all these public
5 comments, and obviously we have developed a
6 Record of Decision, the responsiveness
7 summary, the next step is the remedial design,
8 and that's the phase that we're in right now.

9

10 Everything that I've mentioned already,
11 and a whole lot more that's in the ROD is what
12 we're dealing with in the remedial design.
13 Some of the more prominent elements that we're
14 going to be dealing with and some of the more
15 time consuming ones I suspect will be our
16 sampling and monitoring program. We're going
17 to be taking a tremendous number of samples, I
18 don't, probably thousands, ten of thousands
19 samples. It's just a tremendous effort.

20

21 The purpose of that will not only be for
22 the performance standards but also to develop
23 the cut lines. You've seen on the charts
24 there, we've got those nice red areas that
25 show where we're going to be dredging.

26

27 Obviously, we've got to get that a little bit
28 more refined. Actually, we have to get that a
29 whole lot more refined. So, we have to go in

1
2 there and figure out exactly where we're going
3 to be dredging.

4 We have to select a type of equipment that
5 we're going to be using. We didn't select
6 hydraulic or mechanical dredging in the Record
7 of Decision. We're going to have to make that
8 decision in the design phase. And perhaps a
9 combination of those types of equipment.

10 We'll be developing performance standards,
11 of course, the peer review, we'll be siting
12 the processing and transfer facilities. As I
13 mentioned before, I expect that to be rather
14 controversial. We will have that open to
15 public comment and we expect that we'll be
16 able to site a facility successfully. And
17 we'll be developing a community health and
18 safety plan, and that would include things
19 like protecting the water supplies.

20 And, finally, we'll be defining the phase
21 one and phase two areas. We did not define
22 that in the Record of Decision, that is for
23 phase one, this first phase, we're going to
24 develop the performance standards and test
25 them out. Where's that going to be? Is that

1
2 going to be all the way north or is it going
3 to be some other location. Obviously partly
4 that depends on any kind of a processing or
5 transfer facility where we can locate that.

6 And, finally, the next steps, what do we
7 need to do in the immediate future. Well,
8 first of all, we have selected our
9 consultants, and Jane mentioned who those
10 were. That was on February 7th. We have
11 started the enforcement process with General
12 Electric. We issued a special notice letter
13 on February 4th. They have a couple months to
14 respond to what's a good faith offer.

15 We will be establishing the field office,
16 we expect somewhere around March 17th. And
17 we'll be out in the field, we expect to be out
18 in the field doing or sampling somewhere
19 around May 1st. That doesn't mean we won't be
20 out in the field prior to that doing some
21 preliminary work. For instance, we need to do
22 some work for on the siting of the transfer
23 facilities. Just getting some information,
24 not doing any sampling work, any sampling work
25 we'll be letting the public know about it

1
2 ahead of time. We'll be developing work plans
3 for sampling, things like that.

4 So, a good deal of work will be going on
5 while were in the process of developing the
6 community involvement plan, which is the last
7 item up here. And which Bonny Bellow is now
8 going to describe to you.

9 BY MS. BELLOW:

10 Good evening. It seems like a very
11 serious room tonight. We've got a few smiles
12 out there.

13 As you just heard from Jane Kenny we are
14 very committed to an open public process that
15 will give all the effected communities,
16 interested organizations and the individuals
17 who come forth during this process an
18 opportunity to provide input on really
19 critical issues.

20 Our goal is to develop a new community
21 process that will encourage real dialogue.
22 And I think that's the operative word here. I
23 know we've had a lot of words spoken, but
24 we're talking about real conversations where
25 we hear you, you hear us, we talk, we listen,

1
2 we exchange ideas, and hopefully we come to
3 some sort of consensus on some of the critical
4 issues before us. And I hope this is one of
5 the few times as we move forward in this
6 process that we're in this format, you're
7 sitting out there and we're providing
8 information to you. I envision this more of
9 us sitting around a table as we move forward,
10 although we might need the largest table ever
11 made in the history of humankind, but we'll
12 cross that bridge. We've got bigger obstacles
13 than that.

14 I want to take a few minutes just to go
15 over how we're going to proceed. We have
16 enlisted the assistance of Morasco Newton, an
17 employee owned consulting firm with expertise
18 in dispute resolution. They're going to serve
19 as the neutral facilitators who will guide us
20 through the process of developing a community
21 involvement program.

22 The first step will be for them to reach
23 out to you. Their public involvement
24 specialists will conduct a series of
25 interviews that will take place in your

1
2 communities. They will reach out to the key
3 stakeholders. There are many of you who have
4 been involved in this process for many years.
5 There is also new people and new organizations
6 that have come forward during this public
7 process of commenting on our proposed plan,
8 and there are actually some new groups that
9 have formed along the way. So, we want to
10 hear from everybody. We want to get
11 information from you. And, again, we really
12 want to listen and we emphasize that we also
13 hope that through this you will listen to us,
14 you will listen to the technical side, you
15 will listen to the community side. And that,
16 again, we'll be able to reach some consensus.

17 But what they are going to do is they are
18 going to listen to your concerns and solicit
19 suggestions for the format of a new process.
20 So, this first stage is actually the process
21 of developing a process. I know this sounds a
22 little convoluted, but we want to get to a
23 point several months from now where we are in
24 agreement about what a community involvement
25 program is going to look like that will guide

1

2 us into the future.

3 The interviews that they conduct are going
4 to be confidential, because we want you to
5 feel comfortable voicing your concerns without
6 us sitting in the room. They'll convey that
7 information to us but it won't have your name
8 on it. So, we'll get a summary of the ideas
9 and information that have come forth, but it
10 won't be as difficult because you don't have
11 to worry about voicing a strong opinion to
12 them.

13 The consultants will then convene a series
14 of facilitative workshops that will be
15 attended by representatives of a cross-section
16 of groups and individuals. Those people,
17 groups and organizations that are
18 representative of all of the stakeholders that
19 care about the Hudson River. And, again, I
20 want to emphasize that we're talking about the
21 up river who have their concerns about the
22 direct impacts on their lives as well as those
23 people who live down here and all along the
24 Hudson River who may have the same concerns
25 and a variety of different concerns. We view

1
2 this as a very inconclusive process. And I
3 personally feel very confident with the
4 neutral facilitators we're going to be able to
5 build a plan that is built on consensus.

6 The final step will be to submit the plan
7 that comes out of this consensus building
8 process for public comment. And we made a
9 commitment that we would do that. We'll go
10 out for public comment, we'll take comments,
11 and then we will finalize the plan. At that
12 point, which we hope will be early in the
13 summer, we will have a new community
14 involvement program in place that will guide
15 us as we move forward into the design phase of
16 the project and further along as we begin to
17 dredge the river.

18 And as many of you know we are on a very,
19 very tight time frame, so we're going to
20 really need help from you. We've got
21 milestones, we've got deadlines to reach, so
22 we're going to ask for you to help us in
23 moving this process along. And I just want to
24 assure you that while we are developing this
25 plan, which will be over the next few months,

1
2 it's not that we're going go away, we're going
3 to keep in regular contact with you. Through
4 our field office we will hold a series of
5 public availability sessions, we'll get
6 written materials out, we will get information
7 out on our EPA website. And we have set up a
8 free list serve. You go onto the site, on our
9 website, you subscribe and that gets you
10 regular updates and information about events
11 related to our activities in this phase of the
12 work.

13 So, this is something new. We've never
14 done this exactly this way and we're really
15 going to need you, all of you, to work with
16 us. I personally feel very exited by the
17 process. I think we have a tremendous
18 opportunity here and I think we're really
19 ready to just roll up our sleeves and get
20 started.

21 So, we are now going to actually give this
22 by taking questions from you. I would ask if
23 people could or would mind to come over maybe
24 to these two mikes just so you're directing
25 your questions up here. That mike is on.

1

2 That's fine.

3 SPEAKER FROM PUBLIC:

4 This addresses the issue of equipment
5 selection. There are groups in New York
6 Environmental Business Association and others
7 who are in a position to aggregate equipment
8 that would meet all your criteria and
9 specifications levels a lot better than your
10 ROD currently indicates in terms of noise and
11 resuspension and et cetera.

12 However, your ROD does not seem to address
13 any of this state of the art equipment and I'm
14 wondering if the EPA is in a position to
15 extend financial support with Congressional
16 approval and with New York State approval, to
17 engineering firms along the Hudson who have
18 lived with this issue for their entire lives
19 to submit independent designs to your
20 consultant engineers, yes or no?

21 BY MR. McCABE:

22 If I'm limited to that, it would be no.
23 If I could explain a little bit, perhaps it
24 might help. Financial -- the way we -- the
25 way the process works is, as you've heard, we

1
2 have a consulting firm doing the design. That
3 is done through the Corps of Engineers, we
4 have contracts through the Corps of Engineers
5 with this firm. The firm was selected on a
6 national basis by the Corps as well as some
7 other firm, but that's how we access them.
8 So, they competed for and got that work.

9 There's a variety of ways that the
10 construction work could be done. Obviously,
11 open bidding is one of those ways. That's the
12 way that we access consultants and contractors
13 and, obviously, the way the money flows. If
14 there is any information or technology or
15 anything of that nature that you think we
16 would benefit by, certainly you can speak to
17 our project managers who are here, and they
18 then could put you in touch with our
19 consultants.

20 But as far as any direct financial
21 remuneration to the engineering firms along
22 the Hudson, I know of no program. And I'll
23 ask very quickly the people here if they know
24 of any program that exists for that. I don't
25 believe so.

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SPEAKER FROM PUBLIC:

Sir, you very effectively identified the problem of your community involvement program. As long as the design process of the actual dredging technology, dewatering technology, separation of PCBs from sediments and all of that, as well as noise abatement, is under control of a single engineering firm that you have selected on a national competition basis. Their particular pre-elections as to what equipment to choose and how to use it locks out any innovative solutions that might be coming from engineering firms who live and work and attempt to prosper here in the Hudson Valley.

BY MR. McCABE:

I don't believe we're excluding anything. We did an extensive technology search during the reassessment, which was different, at least one of the consultants that led that was a different consultant than the one we have. They had dredging experts on their staff or a subconsultant as well as E&E, Ecology and Environment, has dredging consultants on their

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2 staff.

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And as I stated, if you have any information or any technologies, we are very open to anything that's out there. We think, of course, that we know what the state of the art is. But that's not to say that we're perfect or we do know it all. If you have anything else, if there are any other types of technology, we're more than willing to listen.

One of the items in the Record of Decision that I didn't mention is beneficial reuse. If there's anyway we can reuse the sediments beneficially, we'll do that, but we need the information. And we're certainly willing to accept it and to evaluate it. We've had a lot of suggestions in the past in all our public meetings, or I should say in the eleven public meetings that led up to the Record of Decision, a lot of information was passed and was gladly accepted.

SPEAKER FROM PUBLIC:

Does it go to Jane?

BY MR. McCABE:

I'm sorry?

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SPEAKER FROM PUBLIC:

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Does it go to the Administrator?

4

BY MR. McCABE:

5

You can send it to Jane, but obviously she

6

will give it to the technical staff.

7

SPEAKER FROM PUBLIC:

8

Okay. Thank you.

9

BY MS. BELLOW:

10

One of the things we should emphasize is

11

that we have the ability and have along the

12

way changed decisions that we've made around

13

things that have a direct impact on people.

14

Bill laid out a variety of things along the

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way where we have looked at those things that

16

communities are concerned about. So that the

17

public involvement process is designed to

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specifically look at issues like noise that

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have direct impacts. Community involvement

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process will also address the development of

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the performance standards.

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So, the community involvement process is

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very broad scale and there is a very heart

24

felt desire to go forward with details of this

25

program that people feel comfortable with and

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2 to do everything we can to minimize impacts.

3 BY MR. McCABE:

4 Yes.

5 SPEAKER FROM PUBLIC:

6 Good evening. I'm Jane Shellinbaum
7 (proper noun subject to correction). And I do
8 a radio program locally called Pet Talk. I
9 produce and I'm host of this, and it's on
10 wildlife on pets and on the environment
11 locally and worldwide. And through my
12 contacts and research I found something that
13 has the potential to be quite beneficial and
14 innovative with the dredging of the Hudson
15 River. You know, the Hudson Valley used to be
16 known for the wonderful bricks, and beautiful
17 bricks, decorative bricks, bricks for
18 buildings, housing, hospitals, streets, et
19 cetera.

20 And just like the Hudson River, there are
21 many rivers in Germany around the ports that
22 are filled with toxic slime, poisonous
23 contaminated sediments, heavy metals and the
24 like.

25 Now, there is a brick company in Hamburg

1
2 by the name of Honcion (phonetic) Brick
3 Factory. They have developed a new way to
4 dredge this waste, this slime, without any
5 environmental damage. They filter and they
6 burn it and encapsulate the bricks so that
7 nothing ever goes back out into the
8 environment. They're making eco-bricks. And
9 this is, again, without any environmental
10 damage.

11 It seems to be that the bricks are totally
12 free of contaminants, bricks usable for
13 business, homes, hospitals and schools. Which
14 you mentioned reuse, that's exactly what is
15 going on. This factory is getting their
16 materials, their raw materials free. They are
17 selling the eco-bricks like hot cakes. Money
18 back into the Hudson Valley.

19 They are eager to get other areas to use
20 their process, take their patents, and they're
21 talking to New York City, why not here. Why
22 transport the dredgings off to Buffalo,
23 Timbuktu or wherever it is designated. Why
24 not restart the brick business in the Hudson
25 Valley? Why not reuse this waste effectively,

1
2 efficiently, and with an economically
3 profitable manner for the Hudson Valley.

4 Have you looked into the eco-brick from
5 that German factory?

6 BY MR. McCABE:

7 I can't say that I personally have. I'll
8 ask the staff if they have heard of that one
9 in particular. I know that we have, for
10 instance, had a, we do look overseas for
11 technologies. I know we had a dredging
12 demonstration by a Dutch firm recently, the
13 largest firm in the world, that kind of thing.
14 We've also had demonstrations, and I don't
15 know if Doug wants to add anything on this.
16 But we do also have a demonstration, sediment
17 demonstration projects, and we've used some
18 sediment from the Passaic River, for instance,
19 beneficial reuse. But we would be happy to
20 take any information you have and pass it on.
21 And that's exactly what we're looking for.
22 This gentleman right here actually, you can
23 give it to him.

24 SPEAKER FROM PUBLIC:

25 Something I stumbled on, but it is very

1
2 special, that is not hydraulic, it's not
3 pressure, they filter it and they burn it with
4 no pollution whatsoever. And then they can
5 use these bricks for every type of business,
6 school, hospital, et cetera. It seemed to be
7 something that we've lost in the Hudson
8 Valley, those beautiful bricks that we used to
9 have. And we have all the toxic sediments,
10 why not go for it.

11 BY MR. McCABE:

12 We're always looking for a better answer.

13 SPEAKER FROM PUBLIC:

14 Thank you.

15 BY MR. McCABE:

16 Thanks. Yes, sir.

17 SPEAKER FROM PUBLIC:

18 Good evening. Are we supposed to
19 identify ourselves?

20 BY MR. McCABE:

21 Yes, please, please do.

22 SPEAKER FROM PUBLIC:

23 Excuse me. I'm Erwin Spergerym (proper
24 noun subject to correction). I'm at SUNY New
25 Paltz, I'm mostly interested in environmental

1
2 health, public health issues, and I do
3 teaching and research on these areas.

4 I wanted first of all to express my
5 deepest appreciation for the very good faith
6 effort on the part of the EPA to reach out to
7 the community, really all the way up and down
8 the Hudson River by this arrangement of having
9 an independent organization serve as a kind of
10 a mediating mechanism. And I think that is an
11 excellent step toward the kind of dialogue
12 needed to hold down the level of fear that
13 people seem to have about errors or foul ups
14 that might happen in the course of dredging.
15 I think this is a very thoughtful and positive
16 step.

17 And it's in that connection that I wanted
18 to follow up with some questions that are
19 partly having to do with public health and
20 partly having to do with what GE's response
21 is. I mean, if we see on the one hand that,
22 you know, EPA, and I think by implication
23 other federal and state agencies that will
24 have some degree of involvement or
25 consultative role in how the procedure goes

1
2 forward are making all of these remarkably
3 extensive efforts to reach out to the public.

4 What really concerns me is that, on the
5 other hand, GE does not seem to be responding
6 in kind with any dialogue on its part. For
7 example, what I have in mind is, that for
8 several decades now there have been all of
9 these organizations, mostly they're up river
10 from us, that have represented GE to one
11 degree or another as being an exemplary
12 corporate citizen.

13 Many of these same organizations, and
14 sometimes they're candidates for public
15 office, and they have denounced the EPA, the
16 DEC, and any other agency that talks
17 causatively for the need of dredging. And
18 they've gone on to say how dredging is too
19 radical and destructive of the American way of
20 life and all that kind of nonsense. And I
21 don't see any sign that GE has, simply put,
22 called off the dogs. I mean, it seems that GE
23 has continued to go on its merry way actively
24 encouraging or at least condoning these kinds
25 of irresponsible and often ill-informed

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attacks on dredging.

And one other thing I feel that's important to take note of, it's not only the cost of the dredging itself that we need to look at, but as far as I know, even using 1970's levels of inflation and the value of money, we had in New York State a fishing industry in the Hudson River that amounted to a contribution to the State's economy of about forty million dollars a year. And that industry, because of the need to close it down, owing to how striped bass and other fish were being contaminated and the public health risk attended to upon that. And it seems to me that GE's responsibilities in terms of what it has done to the economy of our region goes way beyond just the cost required to do the dredging.

I mean, I admit arithmetic isn't my strong point, but using 1970's numbers, forty million dollars, even if you just figure it for twenty years, it would amount at this point to something close to a billion dollars. I know if I caused a hundredth or a thousandth of

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2

that kind of harm to any economy, I know

3

somebody would start talking about putting a

4

lien on my home or my car or something.

5

And, finally, one other question, and I

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don't mean to be rhetorical about it, is I'm

7

deeply concerned, and I think many people here

8

in New York State share this concern, GE has

9

continued to mount this Supreme Court motion

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to have the entire Superfund Law held

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unconstitutional. And the implication of that

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would be the EPA's authority to order the

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dredging and to enforce its Order of Decision

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would be totally undermined.

15

It would seem to me that if GE had any

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shred of common decency or any social

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conscience about the amount of harm already

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done to the river and the risk to public

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health, instead of trying to eliminate the

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most important single Environmental Protection

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Agency we have in this country, and taking

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away from the public one of the most important

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assets we have to protect public health and

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safety, it would seem to me that GE would want

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to get rid of that whole style of doing things

1
2 and cease and desist from an attack that
3 would, in effect, set back the whole cause of
4 dredging, the whole cause of environmental
5 protection in this country.

6 And I want to thank you for your
7 forbearance in listening to my questions.

8 BY MR. McCABE:

9 Okay. Let me try and respond.

10 BY MS. KENNY:

11 Bill, let me try. I just want to say, you
12 know, as I said to you all, I am new to the
13 agency and I'm also an optimist and I'm hoping
14 that we will have cooperation from GE in terms
15 of cleaning up the Hudson. As I said, I'm
16 very hopeful that we at least keep those doors
17 open. They have told us that they are not
18 going to continue that kind of public
19 relations campaign against this. So, I think
20 that's a good sign and we will go from there.

21 In terms of the lawsuit about Superfund,
22 we feel very confident at EPA that the
23 Superfund Law has been upheld throughout the
24 years and it will continue to be upheld. And
25 that's how we feel about it and we will, you

1
2 know, go forward as we have planned to. We
3 are going to dredge the Hudson River and
4 that's obviously a separate suit from this
5 particular case. But at the same time it does
6 call into question the whole Superfund Act
7 which we believe has, the constitutionality of
8 has been upheld.

9 You had a middle question there, and I'm
10 just trying to remember what it was.

11 BY MR. McCABE:

12 Fishing industry.

13 BY MS. KENNY:

14 Oh, yeah, fishing industry. Well,
15 obviously one of the reasons that we're very
16 concerned about leaving things status quo is
17 because even though there has been a ban on
18 eating the fish and commercial fishing has
19 been outlawed, we do know people eat the fish
20 from the Hudson. And, so, that is the
21 reality. And we know that that's definitely
22 hazardous to people's health and obviously
23 wildlife as well, you know, are eating fish
24 from the Hudson.

25 So, we believe that when all is said and

1
2 done, the tourist industry will increase
3 greatly and the Hudson will again be able to
4 be used recreationally and it will become,
5 once again, a beautiful place to fish. You
6 know, maritime resources will be available to
7 people along the Hudson and to anyone who
8 cares to come and enjoy this beautiful river.

9 So, I think I've got everything, but thank
10 you for your comments. Appreciate that.

11 BY MR. McCABE:

12 If I could just add one minor point on to
13 that, on the commercial fishing. I think you
14 are also pointing out the damage's side of
15 that. That's not something that Superfund
16 itself deals with, but the Federal and State
17 Trust Natural Resource Trustees deal with
18 that. And that's a separate issue and that's
19 something, again, they'll be dealing with
20 separately.

21 SPEAKER FROM PUBLIC:

22 Good evening, folks. I'm Andy Mele from
23 Hudson River Sloop Clearwater. Administrator
24 Kenny, welcome to the neighborhood. It's nice
25 to have you on board.

1

2 I'm going to step back from the, you know,
3 the fixes and technology and all that sort of
4 stuff and, you know, we'll be talking about
5 this before later. We've agreed and disagreed
6 before, and we'll agree and disagree again.

7 There's a lot of work to be done and thank
8 you for opening the process up the way you
9 have. You obviously listened to a lot of
10 people's concerns.

11 But tonight on behalf of my organization,
12 hopefully on behalf of a lot of people in this
13 room, I would just like to say that the
14 persistence and the forthrightness and sort of
15 the wholesomeness of the process that you
16 folks all ran to bring this Record of Decision
17 to be is a credit to the Federal Government,
18 with cooperation from the various State
19 agencies is a credit to the State. It's
20 remarkable bipartisan linkage of the elected
21 officials, the support of the stunning numbers
22 of people in the Hudson Valley.

23 On behalf of Clearwater tonight, I would
24 just like to say thank you very much. You've
25 restored a lot of my personal faith in

1
2 government. Let's try to keep it that way
3 and we'll be talking again in the future. And
4 thank you very much.

5 BY MS. KENNY:

6 Well, let's just relish that. I just want
7 some silence for a minute. Thank you for
8 those comments, we appreciate that.

9 BY MS. BELLOW:

10 I was going to suggest he come on the road
11 with us.

12 SPEAKER FROM PUBLIC:

13 I'm available for a fee.

14 SPEAKER FROM PUBLIC:

15 I also wanted to welcome you to the
16 neighborhood, and it's also a good --
17 (Interrupted)

18 BY MR. McCABE:

19 I'm sorry, could you identify yourself?

20 SPEAKER FROM PUBLIC:

21 My name is Ron Lange. And by way of
22 disclosure, I guess I feel I've been living my
23 life with this situation, and I'll tell you
24 why. I started a group in 1976, '75, in
25 Albany, CPE, Citizens to Protect the

1
2 Environment. One of the first things we were
3 involved with was a very unusual thing that
4 they saw coming out of GE Selkirk and Hudson,
5 it was sort of like a dead zone. They really
6 were interested in why that was occurring.
7 And one of the first things the foundation
8 funded was a group of SUNY college kids going
9 out there and surveying and finding out what
10 this strange stuff was about, what is going on
11 there.

12 By way of further disclosure, I'm also the
13 chair of the New York State Renewable Energy
14 Coalition, how the business in the area for
15 twenty years (inaudible). I'm associated with
16 the oldest boating company in the State, a
17 company called Elco, which is about eight
18 miles from where we are now, which uses
19 non-polluting technology for boating and likes
20 to see an increase in recreational use in the
21 river.

22 And one of the things that I am trying to
23 do in interacting with your organization is to
24 deal with a situation of the dredging. And a
25 lot of the friends that I deal with, I want to

1
2 be frank in terms of the words we tend to
3 bring back and forth and between each other.
4 You, the overall technology you're proposing
5 here is pump and dump. And that's not the
6 jargon, but it is sort of like a shorthand
7 term that we're using to communicate back and
8 forth.

9 And one of the things I'm concerned about
10 and others are interested in is seeing how we
11 can interact with you and get resource people
12 together that can make a difference. I was
13 sort of lucky a year ago, I happened to know
14 somebody in government named Purdy, who I
15 posed to that we really should be thinking
16 about finer remediation in terms of taking
17 advantage of what technology is available for
18 leachate. And that process got referred,
19 referred, referred, and Doug, who now I put a
20 face to this, was good enough to take the
21 proposal from us. And we think we hopefully
22 got the information in the door to the right
23 person and responses.

24 But one of the things I'm hoping that you
25 will you do is open up the process in terms of

1
2 telling us who we should be communicating
3 with, how we can move that information back
4 and forth and how we can be a resource in the
5 community as well as you being a resource to
6 us.

7 So, welcome to the town.

8 BY MS. BELLOW:

9 Thanks a lot. And we do intend to make
10 that process open, and obviously a lot of the
11 feedback we get from you will help us direct
12 that process in the appropriate ways and what
13 is missing and what needs to be filled in.

14 SPEAKER FROM PUBLIC:

15 Hi, I'm Jessica Lorraine, People's
16 Coalition on Remedy Solution.

17 Australia has already dredged down there.
18 I'm not sure about what is happening with that
19 river, but that would be interesting to look
20 into what they have done with their sediment.

21 I have two questions. I would like to
22 know if this area or any area on the Hudson
23 River, especially the Mid-Hudson River, is
24 targeted as a site for a facility. I'm very
25 concerned about that.

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My other question is, will the EPA, through the Superfund, help the local water treatment plants long the Hudson River with the use of sand filters, which are very good for protecting water against PCBs. Thank you.

BY MR. McCABE:

For the first question, we have stated that there will be no local landfills. All of the process sediments will be taken away to licensed facilities outside of the Hudson Valley. That was the first one.

And the second question, if I missed it let me know. The second question had to do with, I guess, you could say contingency for the water supplies. We will, I mentioned we will be doing extensive monitoring, and we believe that will serve as an early warning system for any problems that might be encountered at the public water supply. I don't expect there will be any problem, but obviously we have to take every care to ensure that that doesn't happen.

As part of -- again, none of these things are developed, but I'm assuming as part of our

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2 community health and safety plan, or some plan
3 that we develop, we would also include that in
4 that, a contingency plan for the water
5 supplies. We certainly would like to get your
6 input and everyone's input as to what might be
7 included in such a contingency plan. We
8 obviously have some ideas of our own and a
9 contingency would be, obviously, for what you
10 were just talking about, I believe, which is
11 just in case something unforeseen happens,
12 what are you going to do about it. Are you
13 going to have another supply ready, are you
14 going to have some filtration? You know,
15 we're willing to listen to any options. Yes.

16 SPEAKER FROM PUBLIC:

17 Hi, my name is Sara Fitzgerald. I'm a law
18 student from Greenmont College. I recently
19 spent last semester concentrating just at
20 policy level, the history of the Hudson River
21 and history of the PCB issue in the Hudson
22 River. And I'm just coming down this semester
23 just as a follow up, one of my professors
24 asked me, and I was kind of interested in
25 doing it. And I live right over just past

1

2 Poughkeepsie. And I had two questions,
3 they're more of a biological standpoint.

4 My first question was, what is the current
5 estimation of full recovery for important
6 offshore sites which are home to many of the
7 mackerel, invertebrates which are the basis in
8 the food chains, as well as the fish
9 nurseries. Once the dredge is -- I did some
10 reading in the records saying that some of
11 these sites will be dredged and those sites
12 are extremely important to the health of the
13 entire aquatic community, and I was just
14 wondering what projections there were and how
15 long will it be until restored to.

16 BY MR. McCABE:

17 So, for any areas, you're just speaking
18 about specific areas that we -- that are being
19 dredged and how quickly will they reestablish
20 themselves?

21 SPEAKER FROM PUBLIC:

22 Yes.

23 BY MR. McCABE:

24 I'm trying to remember if we used one to
25 two years in the Record of Decision. I know

1
2 that we have some information from up in the
3 Saint Lawrence River where we have underwater
4 photographs showing, unfortunately we have it
5 at the third year, that there is extensive
6 revegetation. We believe it was much sooner
7 than that. I think the record shows from
8 other sites one to two years. If anyone can
9 -- I think Alison or Mary, that's the number?
10 Yeah.

11 SPEAKER FROM PUBLIC:

12 Okay. My second question had to do with
13 native species problems, which was water
14 Chestnut and regional flora, which are large
15 problems all up and down the Hudson. And I
16 did some reading saying that so much aquatic
17 vegetation that would be destroyed, but then
18 replaced after the dredging had occurred. But
19 I was wondering if there was any attempts to
20 make sure that these invasive species didn't,
21 you know, jump in the way of the maybe more
22 native species, as invasive species tend to
23 do, they disturb areas, they tend to jump the
24 gun before native species can take over the
25 site. I was just wondering.

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BY MR. McCABE:

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Alison, will you help me out on that?

4

BY MS. HESS:

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That's something certainly we have

6

considered. All revegetation would be native

7

species that -- (inaudible).

8

BY MR. McCABE:

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Thank you.

10

SPEAKER FROM PUBLIC:

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Yeah, my name is McMahon. Just from a

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communications point of view, when you

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establish this intermediate PR firm to deal

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with the community's wishes or desires, how --

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and I would come to them as a retired

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scientist, which I am. And then I go into

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some kind of anonymous pool and I was pooled.

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Now, I have a different kind of level of

19

concern about what is going on in the river

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than a number of people that I communicate

21

with. Well, how do I express a considered

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technical judgment into an anonymous pool?

23

BY MS. BELLOW:

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Well, I think there is two ways to look at

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this. First of all, any individual that comes

1
2 forward to us, whether it's with an idea or
3 opinion, we listen to. That's part of the
4 process and we have a commitment to that,
5 whether it's on this site or any site.

6 So, you as an individual, you have
7 something you want to present, there will be
8 many opportunities to present it as an
9 individual. The process that we are
10 envisioning is really a process to develop a
11 group that would be a functioning working
12 group, and it would be a functioning working
13 process. And, obviously, it's got to be a
14 process that's inconclusive that has
15 representatives of all the various key
16 stakeholders up and down the Hudson.

17 Clearly, every person who has a concern or
18 care about the Hudson River can't be on a
19 working group that's going to have a formal
20 role. But what we're looking to is to develop
21 a process in which there were groups that the
22 various stakeholders feel comfortable and feel
23 they are represented at the table by, and then
24 to provide a variety of forums through which
25 individuals can also come forward.

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SPEAKER FROM PUBLIC:

I would like to also -- this is off again I think. I would like to also welcome to the Hudson Valley -- let me just say this. One, I have been to a number of meetings where PCBs in the Hudson and dredging had been discussed. One of the principal concerns I hear down river here in the Mid-Hudson Valley is the impact of released material on our input water into the City and Town of Poughkeepsie, into Rhinebeck and other communities that drink water from the Hudson.

Now, I understand that from the National Academy of Science report that upwards to nine percent of the material that's dredged up from the bottom will be released into the river. Other studies indicated that it's two to ten percent. Now, that, if you take the top number, ten percent of a one hundred fifty thousand, that's fifteen thousand pounds of PCB are going down river.

Now, some people say that the PCBs are attached to sediment in the river because of their, quote, because of the nature of the

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PCBs. But other data I've seen says eight percent of the PCBs just go in free state, in the dissolved state in the river.

Now, can you tell me specifically whether the PCBs that are indeed free and dissolved in the water in the river will be indeed filtered out quantitatively to the parts per billion or some number by water treatment plants?

Welcome to the valley.

BY MR. TOMCHUK:

We've done some analysis and we have had some of the experts who testified to the NAS panel working on the models for amount of PCBs that would be resuspended. We believe that the amount of PCBs would be resuspended would be about two hundred pounds in total over the project, from the dredging operation that is. You know, some of the transport might kick up a little bit more, but the overall number will be less than what we see going over the dam each year, which is about five hundred pounds. Don't forget there's a lot of PCBs escaping now. So, the overall result is a net loss of PCBs being transported down river which will

1

2 enable the river to recover.

3 SPEAKER FROM PUBLIC:

4 Hello, my name is Carolyn Frank. I'm the
5 Westchester County Program Coordinator for the
6 Citizens Campaign for the Environment. We've
7 been actively participating in a grass roots
8 letter writing campaign to get the ROD signed
9 and final.

10 We're looking forward to continuing our
11 participation and I was just wondering when to
12 expect the interview process to start, how
13 that's going to happen. Are they going to
14 contact us by phone, e-mail, through the mail,
15 as well as how many workshops there will be?
16 Are they going to be entirely up and down the
17 river? And how will we be able to be updated
18 and when to expect to hear from you folks?

19 BY MS. BELLOW:

20 We're going to start out, we have an
21 enormous list of people who have come forward
22 during all of the public comment period. And
23 obviously we're going to take a look at those
24 groups that have been actively involved, those
25 groups that came to us with extensive

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2 information. We're going to be consulting
3 with those people that have worked with us,
4 new to the process and asking them for advice
5 about how to expand that even further. This
6 we hope is to start in the next few weeks from
7 now. We will provide updates on our list
8 serve, which -- and our website, about
9 upcoming meetings.

10 We have not at this point designed exactly
11 what the process is going to look like because
12 the first stage of the community interviews
13 and coming out of those interviews, we will
14 then figure out what seems to be the
15 appropriate way to go forward to the next
16 step. And you can leave your name with us
17 tonight.

18 SPEAKER FROM PUBLIC:

19 Okay. My name is David Strauss, Ulster
20 County Environmental Management Counsel. I
21 would like to congratulate the EPA with coming
22 forth with a Record of Decision only slightly
23 more than a year after the proposed plan. And
24 I wish you God speed in cleaning up in the
25 river.

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My question has to do with memory, which maybe the State can, but as I recall proposed plan alternative four was to remove eighty-five percent of the PCBs in the upper Hudson. I've heard mentioned earlier this evening removal of sixty-five percent of the PCBs in the upper Hudson.

Now, the difference between the two represents a hundred tons of PCB. I was wondering if either my memory is wrong or the statement earlier of sixty-five percent was wrong, and what is the cause of the difference?

BY MS. BELLOW:

I'm not sure of the exact numbers. I don't recall there being a twenty percent difference. Because when we looked at it there was an alternative that you're referencing that was more protective at a far greater cost. And we looked at that and the risks involved, the numbers -- the numbers I'm remembering in the risk assessment, I don't know if Marian can help me, were more like six or seven percent or something like that.

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SPEAKER FROM PUBLIC:

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BY MR. McCABE:

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BY MR. TOMCHUK:

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There is actually a sixty-four percent to sixty-five percent total PCB load. I'm not sure of the exact numbers there, but what had happened was a recalculation of the total PCB, because previous estimate based on addition of

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2 certain of the homologs of PCBs, you know,
3 with groups from one to ten chlorines on them,
4 you have ten different homologs. We added
5 them up, we took a look at it, some of the
6 information we hadn't had a chance to look at
7 before, and that, the value increased from one
8 hundred thousand pounds of PCBs to actually
9 one hundred fifty thousand pounds of PCBs
10 we'll be removing from the river. So, that
11 actually increased to sixty-five percent of
12 the PCBs we were removing, because we're
13 removing those areas that increased the most,
14 because that's where you get the most
15 dechlorination products.

16 So, there is actually been a slight
17 increase from the proposed plan but it's the
18 same targeted areas of PCBs.

19 SPEAKER FROM PUBLIC:

20 Hello, my name is Fred Gardner, I
21 represent the Squaw Marina located on the
22 Hudson River.

23 We've been trying to get a dredging permit
24 for maintenance dredging for about twenty
25 years. And due to the lack of coordinated

1
2 policies by the New York State DEC and Army
3 Corps of Engineers, it's made it difficult for
4 us to obtain these permits. We're not a
5 Superfund site, in fact our material is not
6 contaminated. And I believe that there's many
7 other marinas on the river that are in the
8 same situation that we are. Do you perceive
9 that this project would have any effect on
10 current policies, good or bad?

11 BY MR. McCABE:

12 The only effect that I could think of is
13 that it's now clearly defined as to what we
14 will be and will not be removing, such that if
15 you then submit an application to the State or
16 to the Corps or whoever, they can say this
17 isn't an area we're worried about. So, there
18 shouldn't be any problem. On the other hand
19 if it is an area that you do need to worry
20 about, then obviously disposal of that
21 material is an issue. Doesn't mean that
22 things can't be done. I don't know if anyone
23 else has anything to add to that.

24 SPEAKER FROM PUBLIC:

25 Would you venture to guess if this project

1
2 would benefit that situation at all?

3 BY MR. McCABE:

4 Benefit the local marinas?

5 SPEAKER FROM PUBLIC:

6 Yes.

7 BY MR. McCABE:

8 It really depends, I would suspect it
9 would, but it would depend of course on where
10 the marinas are in relation to the dredging
11 that's labeled.

12 We're going to be doing navigational
13 dredging, for instance, that certainly can
14 help. Perhaps there are some marina areas
15 that need -- that have needed dredging for
16 some time and we'll be doing that dredging.
17 That certainly will be a benefit. There may
18 however be other marinas that are not in the
19 areas we're going to be dredging, so directly
20 that wouldn't be a benefit. However, with the
21 overall dredging and navigational dredging, it
22 would be beneficial.

23 SPEAKER FROM PUBLIC:

24 Thank you. My name is Roland Vasford
25 (proper noun subject to correction), Director

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of Planning for Columbia County.

Two questions, from a brief review of the responsiveness summary, my conclusion is that EPA has made changes primarily based on comments of opponents to dredging; is that correct? Were there any project changes as a result of comments by proponents of dredging?

BY MR. McCABE:

Changes based upon proponents. Well, for one comment I could think of is that New York State asked, Governor Pataki asked for an analysis of water-based processing and transfer facilities, we're doing that.

BY MR. SIMON:

The community involvement program.

BY MS. KENNY:

The whole community involvement program was part of the responsiveness summary. It came out of the, from the proponents of dredging who also felt, you know, a bit disengaged from the process. So, that was, I'm trying to think.

BY MS. BELLOW:

Some of the changes that were made were

1
2 made not based on whether you were for or
3 against dredging. They were based on
4 legitimate concerns that people had on impacts
5 on local communities, like the issue of truck
6 traffic. So, regardless of whether you were
7 pro-dredging or anti-dredging, if you lived in
8 an upstate, you know, up-river community and
9 you were concerned that you were going to have
10 a lot of traffic there, you know, that was
11 very real. So, I think that, you know, it's
12 really a mix.

13 SPEAKER FROM PUBLIC:

14 Second question had to do with the field
15 office. You mentioned that N.G. Kaul would be
16 heading that up. He's a State of New York
17 employee, where is he in this, isn't this an
18 EPA project?

19 BY MR. McCABE:

20 He's retiring from New York State.

21 BY MS. KENNY:

22 He actually will be employed by us and he
23 will be working directly with our senior
24 people in New York City, but he will be on the
25 ground, you know, in a field office in the

1

2 upper Hudson.

3 SPEAKER FROM PUBLIC:

4 Thank you.

5 BY MS. KENNY:

6 You're welcome.

7 SPEAKER FROM PUBLIC:

8 One additional question. You say you're
9 going to be dredging a forty mile area. When
10 you talk about navigational dredging, are you
11 talking about the whole channel up the Hudson
12 River?

13 BY MR. McCABE:

14 No, we're talking about three hundred and
15 forty thousand cubic yards out of that
16 two-point-six-five million cubic yards. So,
17 it's areas we need to get to in order to do
18 our environmental dredging as well as some
19 areas in the navigational channel in order to
20 ensure that the boat traffic can get by.

21 SPEAKER FROM PUBLIC:

22 Where are these areas? Are they along the
23 Hudson River or are they along that forty mile
24 area that you're speaking about?

25 BY MR. McCABE:

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Are you looking specifically for them?

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SPEAKER FROM PUBLIC:

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Specifically.

5

BY MR. FISCHER:

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It's in the forty mile area.

7

SPEAKER FROM PUBLIC:

8

It is within the forty miles?

9

BY MR. McCABE:

10

But if you're looking specifically, I'm

11

sure we can send you some information if you

12

give us -- do you have it?

13

BY MR. TOMCHUK:

14

It's in the upper forty miles.

15

SPEAKER FROM PUBLIC:

16

Okay. Thank you.

17

BY MR. McCABE:

18

That's sufficient?

19

SPEAKER FROM PUBLIC:

20

Yes.

21

BY MR. McCABE:

22

Okay. Thanks.

23

SPEAKER FROM PUBLIC:

24

Joe Gardener, Appalachian Mountain Club, a

25

member of the Hudson River PCB Coalition,

1
2 Friends of Clean Hudson. And I wanted to
3 respond to a gentleman's concern, your
4 response to the proponents input. And
5 certainly for the last five years we've been
6 actively engaged in participating in EPA's
7 public participation process, and more
8 intensely over the past year, to what EPA has
9 been doing to reconsider and improve the
10 public involvement, public participation
11 process. And we certainly congratulate you on
12 what you have achieved or hoping to achieve
13 and we're right with you and we congratulate
14 what you're doing. Thank you.

15 BY MR. McCABE:

16 Thanks, Joe. I think Bonnie noted on that
17 specific topic. As I'm thinking over the
18 various changes that we made, a lot of them
19 were made by both opponents and proponents,
20 because while everyone, while people had a
21 distinctive view, whether we wanted to do or
22 don't, even those who obviously want us to do
23 it the best way possible. So, the proponents,
24 all those things were also suggested by people
25 who were proponents of the dredging job.

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SPEAKER FROM PUBLIC:

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BY MR. MCCABE:

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SPEAKER FROM PUBLIC:

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Okay. The second question that I have is

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2 about the estimation of seventy thousand
3 kilograms of contaminated sediments in the
4 upper Hudson River in the Record of Decision.
5 I wanted to know what the estimation was based
6 on, where did the estimation come from? Was
7 it just from the numbers of PCBs, those
8 statistics that GE released into river?

9 BY MR. McCABE:

10 The amount we're cleaning up, this hundred
11 and fifty thousand -- (Interrupted)

12 SPEAKER FROM PUBLIC:

13 Well, the estimation of your amount that's
14 in the river, how was the estimation done?

15 BY MR. McCABE:

16 That's based upon the areas that -- that's
17 based upon a number of things. Primarily the
18 areas that we're going to be dredging, the
19 sampling that was done in those areas, the
20 concentrations that we know exist, the depth
21 of the sediment, things like that, it's not
22 based upon the amount that was released.
23 Since obviously we have a great deal of
24 difficulty knowing exactly how much was
25 released over there. You know, GE was

1
2 releasing for over thirty years, so, and part
3 of that time they had a permit. A lot of the
4 time they didn't have a permit.

5 SPEAKER FROM PUBLIC:

6 Okay. Thank you.

7 SPEAKER FROM PUBLIC:

8 John Buttermeyer, Evergreen Recycling. Is
9 there a deadline on beneficial reuse projects?

10 BY MR. McCABE:

11 There a deadline on it, not per se.
12 However, obviously we do have a schedule or we
13 will have a schedule. We're developing that
14 right now. And as we go along there will be
15 interim deadlines, I guess you could say, for
16 when we have to proceed with certain items.

17 So, I can't tell you right now what that
18 deadline might be that we need to go forward
19 with design. For instance, you know, we're
20 going to get this job designed in three years,
21 there's certain things that have to be done.
22 But the sooner you get it in to us, obviously,
23 the better it would be. And even if it's in
24 some sort of conceptual stage, that it's not
25 that well defined, we'll be happy to take a

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look at it.

BY MS. KENNY:

Well, thank you, Bill. And I want to
thank all of you for coming out tonight. And
we have another question? No.

For those of you who are too shy to come
to a mike, we'll hang around for a few minutes
and you can come up and talk to us. And we
really appreciate your interest in something
that we really have to do this together. So,
thanks very much.

(TIME NOTED: 8:30 P.M.)

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REPORTER'S CERTIFICATION

I hereby certify that the foregoing is
a true and accurate transcription of the
testimony recorded by me and reduced to
typewriting at my direction.

X_____
MICHAEL P. McALINEY,
Reporter

DATED: March 1, 2002